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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,689	02/10/2004	Louis Holder	DM00125	7394

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VONAGE
23 MAIN STREET
HOLMDEL, NJ 07733

EXAMINER

TIEU, BENNY QUOC

ART UNIT PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/774,689	HOLDER, LOUIS	
	Examiner	Art Unit	
	Benny Q. Tieu	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figs. 1-3 do not label for elements 105-113. For example, element 105 should be labeled as “Router”. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 14-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-13, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by DiCamillo et al. (U.S. Patent Application Publication No. 2002/0061100).

Regarding claim 1, DiCamillo et al. teach a method for transmitting information between two or more points, comprising:

receiving a virtual number at a first intermediate point (Fig. 1, 18) from at least one originating point (Fig. 1, 16);

converting the virtual number into at least one physical number (page 3, paragraphs [0029] - [0031]);

determining a second intermediate point based on the at least one physical number (paragraph [0034]);

determining at least one destination point based on the at least one physical number (paragraph [0034]); and

transmitting information between the at least one originating point and the at least one destination point (paragraph [0035]).

Regarding claim 2, DiCamillo et al. further teach the method wherein the receiving comprises establishing a communication path between the first intermediate point and the at least one originating point (Fig. 1, 20).

Regarding claim 3, DiCamillo et al. inherently teach the method wherein the converting comprises comparing the virtual number to a routing table because the call is routed from caller to called party.

Regarding claim 4, DiCamillo et al. further teach the method wherein the determining a second intermediate point comprises establishing a communication path between the first intermediate point and the second intermediate point (Fig. 1, 36).

Regarding claim 5, DiCamillo et al. further teach the method wherein the determining at least one destination point comprises establishing a communication path between the at least one destination point and the second intermediate point (Fig. 1, 48).

Regarding claim 6, DiCamillo et al. teach an apparatus for transmitting information between at least two points, comprising:

a first intermediate point (Fig. 1, 18) operatively connected to at least one originating point (Fig. 1, 16) to receive a virtual number, wherein the virtual number is converted into at least one physical number (page 3, paragraphs [0029] - [0031]);

a second intermediate point (Fig. 1, 29) capable of communicating with a the first intermediate point (Fig. 1, 18) over a computer network (Fig. 1, 30);

at least one destination point (Fig. 1, 46) operatively connected to the second intermediate point 29, wherein the second intermediate point is determined based on its proximity to the at least one destination point (Fig. 1, 42).

Regarding claim 7, DiCamillo et al. further teach the apparatus wherein the virtual number comprises an area code, wherein the area code is within a local calling area of the at least one originating point (paragraph [0024]).

Regarding claim 8, DiCamillo et al. further teach the apparatus wherein information is transmitted over the computer network based on packets (paragraph [0035]).

Regarding claim 9, DiCamillo et al. further teach the apparatus wherein information is transmitted to and from the originating and destination points based on analog signals (paragraph [0024]).

Regarding claim 10, DiCamillo et al. further teach the apparatus wherein the first and second intermediate points are capable of analog to digital conversion and digital to analog conversion (paragraph [0024]).

Regarding claim 11, DiCamillo et al. further teach the apparatus wherein the first and second intermediate points comprise servers (Fig. 1, 22 & 28).

Regarding claim 12, DiCamillo et al. further teach the apparatus wherein the at least one originating point and the at least one destination point comprise telephones (Fig. 1, 12 & 42).

Regarding claim 13, DiCamillo et al. inherently teach the apparatus wherein the virtual number is converted into at least one physical number based on a routing table because the call is routed from caller to called party.

Regarding claim 19, see Fig. 1, 28.

Regarding claim 20, the limitations of the claim are rejected for the same reasons as set forth in the rejection of claims 1 and 3 above.

Response to Arguments

6. Applicant's arguments filed January 5, 2007 have been fully considered but they are not persuasive. Applicant argues that DiCamillo does not teach or suggest at least determining a second intermediate point based on at least one physical number. Examiner respectfully disagrees. As Applicant's specification on page 6, second paragraph from the bottom, "physical number" is a phone number on the destination network. DiCamillo teaches that gatekeeper 26 sends back an H.225 message informing the gateway 22 of the correct destination gateway 28 at the correct destination Point of Presence 29 to which the call is to be sent. Since the location of gateway 28 is determined, it means that the physical number of the destination network is determined. Therefore, DiCamillo implicitly teaches the virtual number is converted into the physical number.

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Conclusion

7. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7490, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (571) 272-7490. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benny Q. Tieu
Primary Examiner
Art Unit 2614